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#5PATENT APPLICATION
Our Docket No. 20020065.ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : James Oliver Dolly et al : October 1, 2002
S.N. : 10/049,967 : Art Unit unknown
Filed : February 18, 2002
For : ISOFORMS OF SNARE MOLECULES AND THE
USES THEREOF IN MODULATION OF
CELLULAR EXOCYTOSIS

PETITION FOR EXTENSION OF TIME

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

Applicant hereby petitions the Commissioner for an additional four-month extension of time to respond to the Notification of Missing Parts dated April 25, 2002 in the above-captioned patent application.

A check in the amount of \$1570.00 is enclosed to cover the Extension fee and late filing fee of the Supplemental Declaration, Power of Attorney and Petition.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required by this paper to Deposit Account No. 08-1265.

Respectfully submitted,
NIKOLAI & MERSEREAU, P.A.

C. G. Mersereau
Reg. No. 26,205
Attorney for Applicant(s)
820 International Centre
900 Second Avenue South
Minneapolis, MN 55402
(612) 339-7461

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PATENT APPLICATION

Our File No.: 20020065.ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : James Oliver Dolly et al : October 2, 2002
S.N. : 10/049,967 : Art Unit unknown
Filed : February 18, 2002
For : ISOFORMS OF SNARE MOLECULES AND THE
USES THEREOF IN MODULATION OF
CELLULAR EXOCYTOSIS

PETITION UNDER 37 CFR 1.47(a)

Hon. Commissioner of Patents and Trademarks

Washington, D.C. 20231

Sir:

This Petition is submitted in order to allow filing when some of the inventors refuse to sign a Declaration. The required fee of \$130.00 under 37 CFR 1.17(i) is also being submitted herewith.

The subject application was filed with an unsigned Declaration on February 18, 2002 in the names of four inventors, as follows: James O. Dolly, Gregory A. O'Sullivan, Nadiem Mohammed and Patrick G. Foran.

Of the four inventors, only one inventor, Gregory A. O'Sullivan, has to date signed a Declaration, Power of Attorney and Petition. A copy of that document is attached hereto as Exhibit "A". As attested by the additional facts enumerated below, the other three inventors have to date refused to sign, notwithstanding diligent efforts to obtain the signatures by employees of the

Assignee, Imperial College Innovations Limited, whose address is Sherfield Building, Imperial College, London SW7 2AZ, (GB), an affiliate of the employer of the three non-signing inventors, the Imperial College of Science, Technology and Medicine, whose address is London SW7 2AY.

This Petition is submitted on behalf of the signing inventor, Gregory A. O'Sullivan, and the three non-signing inventors, James O. Dolly, Nadiem Mohammed and Patrick G. Foran, requesting that Gregory A. O'Sullivan be enabled to make the application in the name of all four inventors. Such action is believed necessary in order to preserve the rights of all of the inventors inasmuch as if it is decided otherwise, the rights of the inventors to obtain patent protection in the United States of America will be irretrievably lost. Any benefit ensuing to the Assignee will also be lost.

The other pertinent facts surrounding the non-signing by the above-three inventors are set forth below.

1. A subject National phase application was filed by the undersigned attorney in the U.S. Patent and Trademark Office on February 18, 2002 pursuant to being engaged by and in accordance with instructions received from the United Kingdom firm of Eric Potter Clarkson, Park View House, 58 The Ropewalk, Nottingham NG1 5DD, United Kingdom, who represent the Imperial College Innovations Limited. The application included an unsigned Declaration, Power of Attorney and Petition.

2. A Notification of Missing Requirements Under 35 USC 371 in the United States Designated Elected/Office (DO/EO/US) was mailed on April 25, 2002 requiring, *inter alia*, a signed Oath or Declaration.

3. A Supplemental Declaration, Power of Attorney and Petition was sent by the undersigned attorney to the above-mentioned firm of Eric Potter Clarkson, who, as indicated, represent the Imperial College Innovations Limited, the Assignee of this subject invention, on April 30, 2002 for attending to obtaining the signatures of the inventors.

4. Additional facts have been supplied in a statement made by Dr. Stephanie J. Pilkington, Ph.D., of the Eric Potter Clarkson firm in a letter dated September 30, 2002 as follows:

"Declaration documents were sent to Imperial College Innovations Limited ("Innovations") on 8 May 2002. A Declaration signed by the inventor Gregory O'Sullivan was received by Eric Potter Clarkson on 20 May 2002. A reminder was sent to Innovations on 7 June 2002. Innovations asked Eric Potter Clarkson to send copies of the Declaration documents directly to the inventors for signature. Copies were sent directly by Eric Potter Clarkson to the inventors on the following dates: 28 June 2002 and 29 July 2002. No response was received. A further copy of the documents was sent by Eric Potter Clarkson to Innovations on 8 August 2002."

5. The letter from Dr. Pilkington also contained a listing of facts supplied by and directed to the efforts of Imperial College Innovations Limited to obtain signatures of the remaining inventors as follows:

Monday, August 12, 2002 - New copies of documents requiring signatures arrive

Monday, August 12, 2002 - Imperial College Innovations Limited request to Faculty for contact details of Nadiem Mohammed (email)

Monday, August 12, 2002 - Imperial College Innovations Limited request to Patrick Foran for signature (email and internal mail).

Monday, August 12, 2002 - Imperial College Innovations Limited email to Oliver Dolly requesting signature on Power of Attorney - documents faxed to Oliver Dolly.

Thursday, August 15, 2002 - Oliver Dolly's reply, "I will be happy to sign the forwarded document after it has the signatures of the other three co-inventors".

Thursday, August 15, 2002 - Ava Yeo (Faculty Administrator) "Dr. Mohammed is presently not on Imperial College Innovations Limited payroll... you may wish to contact him at his home address... if he wishes to respond he may but we cannot ask him to". Imperial College Innovations Limited later receive a telephone call from Ava Yeo - Patrick Foran is unhappy about being contacted for his signature.

Thursday, August 22, 2002 - Telephone call from Ava Yeo - has talked to the inventors - still unwilling to sign.

Friday, September 6, 2002 - Meeting in faculty between representatives of Imperial College Innovations Limited and Ava Yeo - inventors still unwilling to sign.

Friday, September 6, 2002 - Imperial College Innovations Limited drafts letters of explanation and sends to Oliver Dolly and to Ava Yeo for distribution to Patrick Foran and Nadiem Mohammed.

Tuesday, September 17, 2002 - Nadiem Mohammed calls Imperial College Innovations Limited: - Nadiem Mohammed and Patrick Foran would like to come in to discuss the situation - appointment is made for Friday, September 20, 2002.

Friday, September 20, 2002 - Meeting between Imperial College Innovations Limited and Nadiem Mohammed and Patrick Foran - still unwilling to sign the documents.

The latest addresses of the non-signing inventors provided by the Imperial College Innovations Limited are as follows:

Oliver Dolly: 7 Buckland Road, Cheam, Surrey, SM2 7LP, United Kingdom

Nadiem Mohammed: 25D Foxley Road, Oval, London, SW9 6EX, United Kingdom

Patrick Foran: 113 Totteridge House, Yelverton Road, London, SW11 3QH, United Kingdom

It is believed apparent from the above that indeed a diligent effort was made to obtain the signatures of all inventors and that such inventors were fully informed and given ample opportunity to join in making the application.

Charles G. Mersereau, the undersigned attorney, Reg. No. 26,205, is a registered attorney of record with full authority to sign this Petition on behalf of Gregory A. O'Sullivan.

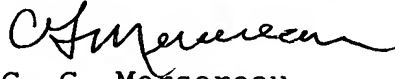
He hereby declares that all statements herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful and false statements may jeopardize the validity of this application or any patent issued thereon.

Accordingly, in view of the above facts, the signing inventor seeks the right to make the application on his behalf and on behalf

of the three non-signing inventors and the granting of this Petition is respectfully requested.

Respectfully submitted,


NIKOLAI & MERSEREAU, P.A.



C. G. Mersereau
Attorney for Applicant(s)
Registration No. 26,205
900 Second Avenue South
Suite 820
Minneapolis, MN 55402
Phone: 612-339-7461

CERTIFICATE OF MAILING

I hereby certify that the foregoing Petition, Petition for a four-month extension of time, an executed Supplemental Declaration, and a check in the amount of \$1570.00 to be filed in connection with application Serial No. 10/049,967 of inventors, James O. Dolly et al, filed February 18, 2002, for "ISOFORMS OF SNARE MOLECULES AND THE USES THEREOF IN MODULATION OF CELLULAR EXOCYTOSIS" is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner of Patents and Trademarks, Box DD, Washington, D.C. 20231 on October 2, 2002.



Barbara L. Davis
Secretary to C. G. Mersereau

Date of Signature: October 2, 2002

SUPPLEMENTAL DECLARATION, POWER OF ATTORNEY, AND PETITION

As below named inventors, we hereby declare that: our residences, post office addresses and citizenships are as stated below next to our names; that we verily believe we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**"ISOFORMS OF SNARE MOLECULES AND THE USES
THEREOF IN MODULATION OF CELLULAR EXOCYTOSIS"**

Serial No. 10/049,967, filed February 18, 2002

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to in the Oath or Declaration.

We acknowledge the duty to disclose information which is material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

We hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) on which priority is claimed:

Prior Foreign Application(s):

International Application No. PCT/GB00/03196

International Filing Date: 18 August 2000

Priority Date Claimed: 20 August 1999

Entitled: ISOFORMS OF SNARE MOLECULES AND THE USES
THEREOF IN MODULATION OF CELLULAR EXOCYTOSIS

We hereby appoint NIKOLAI & MERSEREAU, P.A., (Customer Number 23595), a professional association, consisting of the following attorneys/agents and the following attorneys/agents individually: Thomas J. Nikolai, Registration No. 19,283; Charles G. Mersereau, Registration No. 26,205; and Steven E. Kahm, Registration No. 30,860 of 820 International Centre, 900 Second Avenue South, Minneapolis, Minnesota 55402-3813; Telephone No. (612) 339-7461, our attorneys/agents with full power of substitution and revocation to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all phone calls and correspondence to: C. G. Mersereau, Esq. at NIKOLAI & MERSEREAU, P.A., 820 International Centre, 900 Second Avenue South, Minneapolis, Minnesota 55402-3813; Telephone: (612) 339-7461.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name: _____
James Oliver Dolly

Date: _____

Residence:
London, United Kingdom

Citizenship:
Irish

Post Office Address:
Department of Biochemistry
Imperial College of Science,
Technology and Medicine
London
SW7 2AY
United Kingdom

Name: G. A. O'Sullivan
Gregory A. O'Sullivan

Date: 17.05.2002

Residence:
London, United Kingdom

Citizenship:
Irish

Post Office Address:
Department of Neurochemistry
Max-Planck-Institut für Hirnforschung
Deutschordenstrasse 46
Germany

Name: _____
Nadiem Mohammed

Date: _____

Residence:
London, United Kingdom

Citizenship:
British

Post Office Address:
Department of Biochemistry
Imperial College of Science,
Technology and Medicine
London
SW7 2AY
United Kingdom

Name: _____
Patrick G. Foran

Date: _____

Residence:
London, United Kingdom

Citizenship:
British

Post Office Address:
Department of Biochemistry
Imperial College of Science,
Technology and Medicine
London
SW7 2AY
United Kingdom



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/049,967	James Oliver Dolly	20020065.ORI

C G Mersereau
 Nikolai & Mersereau
 900 Second Avenue South
 Suite 820 International Centre
 Minneapolis, MN 55402

*Missing parts:
 June 25, 2002
 BSD 4/30/02*

INTERNATIONAL APPLICATION NO.	
PCT/GB00/03196	
I.A. FILING DATE	PRIORITY DATE
08/18/2000	

CONFIRMATION NO. 6222
 371 FORMALITIES LETTER



OC000000007922126

Date Mailed: 04/25/2002

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments

APR 29 2002

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than the appropriate 30 months months from the priority date (37 CFR 1.492(e)) is required.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

Best Available Copy

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
 - The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Late oath or declaration Surcharge.
- A copy of the "Sequence Listing" in computer readable form has been submitted. The content of the computer readable form, however, does not comply with the requirements of 37 CFR 1.822 and/or 1.832, as indicated on the attached marked-up copy of the "Raw Sequence Listing."
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 305-3736

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/049,967	PCT/GB00/03196	20020065.ORI

FORM PCT/DO/EO/905 (371 Formalities Notice)